

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

Subfile Nos. CHRB-009-0001
CHRB-009-0021

**RESPONSE BY STATE OF NEW MEXICO TO MOTION TO WITHDRAW
BY LAW OFFICES OF DANIEL J. O'FRIEL, LTD.**

COMES NOW the State of New Mexico on the relation of the State Engineer, and makes this response to the Motion to Withdraw (7450) filed June 3, 2004 by the Law Offices of Daniel J. O'Friel, Ltd., in connection with the representation of Joyce Menninger, Kathy R. Tafoya, Lisa Tafoya, Lorraine Tafoya, Lucy Tafoya, Jose P. Tafoya and Lucy M. Tafoya in subfiles CHRB-009-0001 and CHRB-009-0021.

The State does not oppose the motion and withdrawal from representation on the condition that the deadlines in the Procedural Order for the Adjudication of Water Rights Claims in Section 7 of the Rio Chama Stream System (6939) filed November 19, 2002, as amended by the Order (7272) filed October 20, 2003, continue to apply to the above-described defendants. Under Paragraph II (C)(2) of the Procedural Order, as amended, a claimant's failure to sign and return a Consent Order or file an Answer by July 15, 2004 shall be considered grounds for the entry of a Default Order that incorporates the State's initial proposed Consent Order. *See* Order (7272) filed October 20, 2003 at 2. To date, the

above-described defendants have not signed and returned a Consent Order or filed an Answer rejecting the terms of the State's proposed Consent Order.

The undersigned counsel for the State of New Mexico, Edward G. Newville, also states that he was not contacted ahead of time concerning the Motion to Withdraw filed June 3, 2004, nor did he receive any message concerning such a motion. The certification of service included in the motion states that it was served upon Bruce Fredrick at the Office of State Engineer, who has not entered an appearance in this matter.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Response to Motion to Withdraw was mailed to following persons on June 14, 2004.

/s/ Ed Newville
Edward G. Newville

RIO CHAMA SECTION 7 SERVICE LIST

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

Paula Garcia
NM Acequia Association
430 W. Manhattan, Suite 5
Santa Fe, NM 87501

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

John W. Utton, Esq.
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271

Benjamin Philips, Esq.
John F. McCarthy, Jr., Esq.
Rebecca Dempsey, Esq.
White, Koch, Kelly & McCarthy PA
P.O. Box 787

Bradley S. Bridgewater, Esq.

Santa Fe, NM 87504-0787	Liliosa G. Padilla
	432 Parkland Dr.
Lester K. Taylor, Esq.	Aztec, NM 87410
Susan G. Jordan, Esq.	
Nordhaus, Haltom, Taylor, Taradash	Kurt J. Van Deren
& Bladh, LLP	Hatch, Allen & Shepherd PA
405 Dr. Martin Luther King Ave NE	PO Box 30488
Albuquerque, NM 87102-3541	Albuquerque, NM 87190-0488

Tessa T. Davidson, Esq.
Swain, Schrandt & Davidson, PC
4830 Juan Tabo, NE, Suite F
Albuquerque, NM 87111

Marcus J. Rael, Jr. Esq.
French & Associates PC
500 Marquette NW #600
Albuquerque, NM 87102-5302

Pierre Levy, Esq.
Law Offices of Daniel J. O'Friel Ltd.
P.O. Box 2084
Santa Fe, NM 87504-2084

John P. Hays, Esq.
Cassutt, Hays, & Friedman PA
530-B Harkle Road
Santa Fe, NM 87505

Daniel Cleavinger, Esq.
P.O. Box 2470
Farmington, NM 87499

Ted J. Trujillo, Esq.
P.O. Box 2185
Española, NM 87532-2185

Karen L. Townsend, P.C.
120 East Chaco
Aztec, NM 87410

NM Acequia Commission
Fred Vigil, Chairman
Depart. of Finance & Admin.
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

Martin E. Threet, Esq.
Martin E. Threet and Associates
6400 Uptown Blvd. NE Suite 500W
Albuquerque, NM 87110